

pursuant to 28 U.S.C. §§ 1331, 1338, and 2201. Crossroads lacks sufficient knowledge to admit or deny the allegations of Rorke Data regarding subject matter jurisdiction under 28 U.S.C. § 1332 and therefore denies the same. Crossroads denies that Rorke Data is entitled to a declaratory judgment or any other relief. Except as expressly admitted, Crossroads denies the allegations of paragraph 3 of the Counterclaims.

4. Crossroads admits the allegations of paragraph 4 of Rorke Data's Counterclaims.

5. Crossroads admits the allegations of paragraph 5 of Rorke Data's Counterclaims.

6. With respect to the allegations of paragraph 6 of Rorke Data's Counterclaims, Crossroads incorporates by reference its reply, above, to paragraphs 1-5 of Rorke Data's Counterclaims.

7. Crossroads admits the allegations of paragraph 7 of Rorke Data's Counterclaims.

8. Crossroads denies the allegations of paragraph 8 of Rorke Data's Counterclaims.

9. Crossroads denies that this is an exceptional case such that Rorke Data is entitled to an award of its costs, expenses, or reasonable attorneys' fees. Crossroads admits and has pled that this is an exceptional case under 35 U.S.C. § 285 for which Crossroads is entitled to all relief authorized pursuant to 35 U.S.C. § 285.

10. Crossroads repeats and re-alleges the allegations set forth in paragraphs 1 through 9 of Crossroads' Reply to the Counterclaims, above, as if set forth in full herein.

11. Crossroads admits that Rorke Data's allegations of invalidity of U.S. Patent 6,425,035 (the "035 Patent") have created an actual and justiciable controversy with Crossroads. Crossroads, however, denies that Rorke Data is entitled to a declaration of invalidity to resolve this controversy.

12. Crossroads denies the allegations of paragraph 12 of Rorke Data's Counterclaims.

13. Crossroads denies the allegations of paragraph 13 of Rorke Data's Counterclaims.

PRAYER FOR RELIEF

Crossroads hereby incorporates by reference its answers to all paragraphs in the Counterclaims as though fully set forth herein. Crossroads denies that Defendant Rorke Data is entitled to any relief requested in its Counterclaims.

WHEREFORE, PREMISES CONSIDERED, Crossroads demands judgment against Counterclaimant Rorke Data as follows:

- (a) Dismissal of the Counterclaims in their entirety;
- (b) An award to Crossroads of its attorneys' fees and expenses incurred in this action;
- (c) All relief as specified in Crossroads' live pleading, said request for relief being incorporated by reference; and
- (d) Such other relief as the Court deems just and proper.

Dated: November 18, 2011

Respectfully submitted,

By: /s/ Elizabeth J. Brown Fore

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of November, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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